

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
SEPTEMBER 21, 2004
Draft

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Sauls presiding. Present were Commissioners Thael, Maloy, Winchester, Proctor, Grippa, and Rackleff. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal.

Invocation was provided by Chairman Jane Sauls followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- a. Chairman Sauls presented the attached resolution recognizing Bob Inzer, Clerk of the Circuit Court, on Receiving a Lifetime Achievement Award from the Florida Governmental Finance Officers Association.
- b. Commissioner Rackleff presented the attached resolution to the Capital City Christian Cruisers (CCCC) Track Club achievements at the 2004 AAU Junior Olympic National Track and Field Championships in Des Moines, Iowa.
- c. Commissioner Proctor presented that attached resolution to Harriett Williams on her retirement as Special Master in the Second Judicial Circuit.

Consent Agenda

Commissioner Maloy moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to approve the following Consent items with the following exceptions: Item 9 was continued to October 12, 2004; Item 27 was removed from the agenda; Items 12, 21 and 25 were pulled for discussion:

1. Approval of Bills and Vouchers Submitted for September 21, 2004 and Pre-approval of Bills and Vouchers Submitted for September 22, 2004 – October 11, 2004

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for September 21, 2004 (\$1,108,412.57) and pre-approve bills and vouchers submitted for September 22, 2004 – October 11, 2004: \$1,095,620.64

2. Approval of Revised Policy No. 01-10, "Travel"

The Board approved Option 1: Approve the proposed revision to Leon County Policy 01-10, "Travel" to include Section XXIII: Meal Reimbursements for Required Local Meetings.

3. Approval of Extension Agreement with Maximus, Inc., for Cost Allocation Plan Consulting Services

The Board approved Option 1: Approve the one year extension agreement with Maximus, Inc., for Cost Allocation Plan Consulting Services for FY 2004 and authorize the Chairman to execute.

4. Approval of Lease Agreement with the Tallahassee Area Convention and Visitors Bureau (TACVB) in the amount of \$43,200 for the Lease of Office Space

The Board approved Option 1: Approve the one-year renewal option in the lease agreement with Tallahassee Area Convention and Visitors Bureau (TACVB) for office space in the amount of \$43,200.

5. Approval of Contract Addendum with the Tallahassee Area Visitors and Convention Bureau in the Amount of \$706,000 for Direct Marketing and Convention Services for the Tourist Development Council

The Board approved Option 1: Approve contract addendum for Direct Marketing & Visitors with the Tallahassee Area Convention & Visitors Bureau through September 30, 2005 in the amount of \$706,000 and authorize the Chairman to execute.

6. Approval of Contract Addendum with the Zimmerman Agency in the amount of \$488,000 for the Advertising and Public Relations Services for the Tourist Development Council

The Board approved Option 1: Approve contract addendums renewing advertising and public relations services with The Zimmerman Agency through September 30, 2005 and authorize the Chairman to execute.

7. Approval of an Agreement with Florida State University, College of Business, School of Hospitality in the Amount of \$35,000 for a Study of the Economic Impact of Visitors Study on Tallahassee-Leon County

The Board approved Option 1: The Board approved the one year renewal of the agreement with Florida State University, College of Business, School of Hospitality, for the Economic Impact of Visitors Study on Tallahassee-Leon County

8. Approval of an Agreement with the Florida State University in the Amount of \$10,000 for Festival and Event-related Research for the Tourist Development Council

The Board approved Option 1: Approve the renewal of the agreement with the Florida State University for festival and event-related research in the amount of \$10,000 and authorize the Chairman to execute.

9. Approval of Addendum to Lease Agreement Between Leon County and the City of Tallahassee Regarding Additional Lands for Public Recreation within Tom Brown Park

The Board approved Option 1: Adopt and authorize the Chairman to execute a resolution and the addendum to lease County property for the purpose of allowing the public the privilege of continuing to participate in mountain biking activities within Tom Brown Park and select one of the three options from the map (identified herein as Exhibit E to the addendum) regarding the exact location and identification of the proposed bike trails.

10. Status Report on the Utilization of Verizon Wireless and Sprint for County Cellular Phone Services and Equipment and Approval of the New County Policy on Cellular Phones

The Board approved Option 1 and 2: 1) Accept status update on utilization of Verizon Wireless and Sprint for County cellular phone services and equipment; 2) Approve the proposed policy, Cellular Phones; Authorization; Issuance; and Usage and the associated user agreements.

11. Request to Schedule Swearing-In Ceremony of Newly Elected Commissioners and Board Reorganization for November 16, 2004 from 2:00 – 4:00 p.m., and reschedule November Board Meetings

The Board approved Options 1 and 2: 1) Waive current Policy No. 98-7 for 2004, and approve the proposed program order for the Swearing-In Ceremony and Board reorganization and direct staff to conduct the reorganization of the Board Ceremony immediately following the Swearing-In ceremony. Both ceremonies will be held on November 16, 2004 from 2:00 – 4:00 p.m. with a reception immediately following in the lobby; 2) Cancel Regular Board meeting of November 9, 2004 and November 23, 2004 and reschedule for November 16, 2004 and November 30, 2004, respectively.

12. Approval to Negotiate Contract with CML/AK Associates for the Procurement and Installation of the New 9-1-1 System

This agenda item is requesting that staff be authorized to negotiate a contract with CML/AK Associates for the procurement, installation, and operation of a new 9-1-1 system. This item was pulled for discussion.

The following speakers appeared:

Stephanie Hyatt, 7902 Logan Drive, S.W. in Huntsville, Alabama, stated that she is the director of channels for TCI and is one of the responding bidders of the RFP. She stated that she did not feel like the recommendation of the board is in line with the RFP. She explained that TCI's bid represents a \$1.3 million savings to Leon County.

Dale Finch, Sprint, 9053 Buckwood Drive North, stated that he is the sales engineer for Sprint and has worked with the County for 12 years and Sprint was ranked number one by the consultant (which the County hired for recommendations

Richard Smith, Emergency Management, explained that the bidders met for two days and the committee were asked to rate the proposals which is provided in the agenda. The top three were selected to make a presentation and CML was ranked as the top proposal of the three. Mr. Nasser, RCC Consultant, explained that TDS was the overall high score however their proposal omitted a piece of infrastructure to make the system work correctly and that would have added significantly to the cost. He explained that Sprint also failed to include some of the services in the guarantees that would be required.

Commissioner Grippa suggested going through the consultant's report and looking at background information so the Board can better understand the proposals. He also wanted to know why it was necessary to make a drastic change to change over since it was costing more and what has gone wrong in the past years to necessitate the change.

Commissioner Thael suggested addressing the criteria that is used by the County to establish some benchmarks or base line determination from moving from Phase I written proposals to Phase II oral interviews. He suggested that this be looked at closely. He wanted to know the basic, minimal guidelines for criteria established for reviewing written proposals and when it goes to oral review.

Commissioner Rackleff noted that the contract is for \$5.9 million and he would like to have the systems and competing systems reviewed.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Proctor was out of

Chambers), to continue this item and empower County Administration to analyze the procurement and selection procedures used on this bid. Commissioner Grippa suggested that if necessary, the County Administrator should hire the consultant for additional hours.

For the future, Commissioner Thael suggested that this expensive of an item should not be put on the consent agenda but under General business.

The Board then entered discussion of Item 21.

13. Approval of the Library's Five-Year Strategic Plan for Library Services

The Board approved Option 1: Approve the LeRoy Collins Leon County Public Library System's Five-Year Strategic Plan.

14. Request to Schedule Public Hearings on Proposed Amendments to the Land Development Regulations to Allow Multifamily Housing Within the Commercial Parkway Zoning District on Tuesday, October 12, 2004 and Tuesday, October 26, 2004 at 6:00 p.m.

The Board approved Option 1: Schedule public hearings on a proposed ordinance amending the Land Development Regulations to allow multifamily housing within the Commercial Parkway Zoning District for October 12, 2004 and October 26, 2004 at 6:00 p.m.

15. Approval of an Enabling Resolution Establishing the Senior Outreach Advisory Committee

The Board approved Option 1: Approve the attached Enabling Resolution No. R04- creating the Senior Outreach Advisory Committee.

16. Approve the Award One (1) Housing Rehabilitation Contract to Reynolds Home Builders, Inc., and Award Three (3) Housing Rehabilitation Contracts to Pagel Construction Co. Inc., Using State Housing Initiative Partnership (SHIP) Funds

The Board approved Option 1: Approve the award of one (1) housing rehabilitation contracts to Reynolds Home Builders, Inc., and three (3) to Pagel Construction Co., Inc. using SHIP Funds.

17. Approval to Award One (1) Housing Rehabilitation Contract to Blue Chip Construction Co., Inc., and Two (2) Housing Rehabilitation Contracts to Reynolds Home Builders, Inc., using State Housing Initiative Partnership (SHIP) Funds

The Board approved Option 1: Approve the award of two (2) housing rehabilitation contracts to Reynolds Home Builders, Inc., and one (1) to Blue Chip Construction Co., Inc. using SHIP funds.

18. Approval to Award One (1) Housing Rehabilitation Contract to Pagel Construction Co. Inc., in the Amount of \$34,678 using State Housing Initiative Partnership (SHIP) Funds

The Board approved Option 1: Approve the award of one (1) housing rehabilitation contract to Pagel Construction Co., Inc., using SHIP funds.

19. Adoption of a Resolution to Convey Title of Three (3) County-owned Parcels of Land to Habitat for Humanity

The Board approved Option 1: Adopt the attached Resolution No. R04- to transfer title of County-owned land parcels to Habitat for Humanity.

20. Acceptance of the FY 03/04 Tangible Personal Property Inventory Report

The Board approved Options 1 and 2: 1) Accept the FY 03/04 Tangible Personal Property Annual Inventory Report, placing eight (8) items on the first-year missing category; 2) Authorize deletion of the 617 tangible personal property items from the property control records.

21. Acceptance of Bradfordville Settlement Agreement Update

This item was pulled for discussion.

Commissioner Grippa requested that the status reports (updates) contain information on other important issues in Bradfordville including other legal agreements entered into by the Board, and also, whether parties to the agreement are in compliance with the agreement. He referred to the cut into Velda Woods, stormwater pond meeting the 4-inch standard, improvements occurring on Lake Caroline, and stop work orders, and stated that Environmental staff is aware of this information and he would like this type of material included in updates. The County Administrator responded that the information would be included in future updates.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Option 1: Accept the status report on the Bradfordville Settlement Agreements.

The Board entered discussion on Item 25.

22. Acceptance of Two Conservation Agreements

The Board approved Option 1: Approve and accept for recording two conservation easements consistent with requirements and conditions of the Environmental Protection Act. (The grantors are: 1) Charles Donahue; 2) Peter Kent Spriggs.

23. Adoption of Resolution Establishing the Electronics Recycling Tipping Fee

The Board approved Option 1: Adopt the attached Resolution No. R04- establishing the Solid Waste Management Division's Electronics Recycling Program fee-for-service at \$75 per ton, effective October 1, 2004:

24. Adoption of a Resolution Establishing the Hand-Fogging Fee for Service

The Board approved Option 1: Approve the attached Resolution No. R04-45 establishing the Mosquito Control Hand-Fogging Program Fee for Service at \$25 per service request, effective January 1, 2005:

25. Request to Schedule a Public Hearing Regarding the Pre-application for Authorization of a Water Service Area for the Properties on the East Side Fronting Thomasville Road near Chiles High School for October 26, 2004 at 6:00 p.m.

This item was pulled and Commissioner Grippa inquired if the request was for water and sewer and staff explained that there have been no discussions on providing sewer for this area; it involves water only.

Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Proctor was out of Chambers), to approve Option 1: Schedule a public hearing on the pre-application for authorization of a water service area for the properties fronting on the east side of Thomasville Road in the vicinity of Chiles High School for October 26, 2004 at 6:00 p.m.

The Board entered discussion on Item 28.

26. Request to Approval Travel Expenses for Commissioner Rackleff to Attend the Leadership Tour of Chattanooga's Greenway Parks and Trails in Chattanooga, Tennessee on October 5-6, 2004

The Board approved Option 1: Approve the travel expenses for Commissioner Rackleff to attend the Chattanooga Greenways Tour on October 5-6, 2004.

27. Approval of Proposed Settlement Agreement Regarding *Jay Barber vs. Leon County, et al*

This item was removed from the agenda.

General Business

28. Approval of Proposed Settlement Agreement Resolving *D.C.A. and Leon County vs. Wakulla County and N.G. Wade Investment Company*

The Board must decide whether to accept the stipulated settlement agreement proposed by the Department of Community Affairs.

County Attorney Thiele explained that because of the Board's concerns over the concurrency issues, particularly traffic, legal staff has participate in administrative proceedings which challenges Wakulla County's Comprehensive Plan Amendment. Subsequent of some discussions, there are have been meetings regarding negotiations to resolve the matter and pending before the Board is a proposed settlement agreement that has been agreed to by the Department of Community Affairs (DCA) and the developer. The question is whether or not the Board of County Commissioners wishes to agree to the settlement or if they do not, then it would be instruction to legal staff to continue to proceed with the administrative proceedings.

Mr. Thiele explained that many items have been addressed but the settlement agreement has not addressed is a requirement that there be a contribution financially to mitigate traffic impacts on roadways both within Wakulla and into the Leon County area (Woodville Highway); they are now going to permit the N. G. Wade Development to proceed in phases which will be sub DRI phases. Mr.Thiele advised that, in essence, this will be Leon County's last ability to participate in the process.

There was considerable Board discussion including: DCA's actions; developers' refusal to mitigate the road impacts; no development plan submitted; project will be done in phases to avoid regional review as a DRI; definition of a sustainable community; issue of suing the County's neighbor (Wakulla County).

David McDevitt, GEM, explained that Leon County has an adopted level of Service C for the roadway and Wakulla County has adopted a level of service E on the same segment once the county line is crossed. He also explained that the road is a hurricane evacuation route.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 2: Do not approve the proposed stipulated settlement agreement.

Commissioner Rackleff remarked that he was disappointed in DCA on this issue; a few months ago, the County was told that they did not need to intervene because DCA would represent the County's interest and they have not. He pointed out that the developer declined to pay a fair share of mitigation for transportation impact; he refused to do a master plan; it will not be a DRI so the items were taken out of the agreement. Commissioner Rackleff stated that this is not enough to protect the interest of Leon County tax payers.

Commissioner Grippa stated that Wakulla County Commissioners did not like the Southwood project because they felt it polluted their lakes yet they did not file a law suit against Leon County. He stated that the reason for the development is to meet the needs of residents in the southern area. Commissioner Grippa indicated that the new agreement was an improvement and he would like to avoid the law suit.

Following some discussion, Commissioner Grippa moved a substitute which was duly seconded by Commissioner Proctor, to approve Option 1: Approve the proposed stipulated settlement agreement and authorize the Chairman to execute.

The Board continued discussion of this item until after the 6:00 p.m. public hearings, Items 34 through 51. (The Board started with the Joint City/County Comp Plan, Item 35.)

The Board then resumed discussion of Item 28.

The Board engaged in some additional discussion regarding the proposed settlement agreement resolving DCA and Leon County vs. Wakulla County and N.G. Wade Investment Company.

The substitute motion on the floor (to approve Option 1: Approve the proposed stipulated settlement agreement and authorize the Chairman to execute) failed 3 – 4 (Commissioners Rackleff, Thael, Maloy and Winchester voted in opposition).

Commissioner Thael stated that DCA would not be the final arbiter if the County stays in the process. Mr. Thiele explained that it would be an Administrative Law Judge who would make a recommended order which would go back to the DCA Secretary who could reject or accept it. If the County does not agree with what DCA accepts, the County's recourse is an appeal to the First District Court of Appeals.

The vote on the original motion (to approve Option 2- Do not approve the stipulated settlement agreement) carried 4 – 3 (Commissioners Grippa, Proctor, and Sauls voted in opposition).

County Attorney stated that the next step is that he would continue to try to negotiate a better agreement but if DCA, the developer, and Wakulla sign this settlement agreement, then he would have to challenge them in the administrative proceedings.

29. Consideration of Owner's Counteroffers of Acquisition of Parcels Needed for the Orange Avenue Widening Project

This agenda item seeks Board consideration of three separate counteroffers received from property owners to settle the eminent domain lawsuits commenced by the County for the acquisition of their property needed for the construction of the Orange Avenue Widening Project (the Road Project). Staff's recommended options are Options 1, 2, and 3 (as paraphrased):

- 1) With regard to counteroffer by Greater Love Church of Christ, direct the County Attorney to reject the counteroffer and make counteroffer in the amount of \$605,000, exclusive of attorney's fees and costs, proceed with eminent domain proceedings;
- 2) With regard to the counteroffer by Trinity Missionary Baptist Church, direct County Attorney to accept counteroffer in the amount of \$125,000, exclusive, exclusive of attorney's fees and costs, and proceed with eminent domain proceedings;
- 3) With regard to counteroffer by Tallahassee Housing Authority, direct County Attorney to reject counteroffer in the amount of \$625,000, exclusive of attorney's fees and costs.

The following speakers appeared:

Henry Hunter, representing the Greater Love Church of Christ and Trinity Missionary Baptist Church, spoke about the attorney's fees and costs.

Kim Williams and Ted Stratton, representing Tallahassee Housing Authority (THA), explained the need for a wall/fence since there was some 300 kids in the area.

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to approve Option 2: With regard to the counteroffer by Trinity Missionary Baptist Church, direct the County Attorney to accept the counteroffer in the amount of \$125,000, exclusive of attorney's fees and costs, and authorize the County Administrator and the County Attorney to execute any and all documents necessary to effect the settlement of the eminent domain proceeding as directed. The motion carried unanimously, 5/0 (Commissioners Sauls and Winchester were out of Chambers).

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to approve Option 4: With regard to the counteroffer by Greater Love Church of Christ, direct the County Attorney to not reject the counteroffer in the amount of \$625, exclusive of attorney's fees and costs, and authorize the County Administrator and the County Attorney to execute any and all documents necessary to effect the settlement of the eminent domain proceeding as directed. The motion carried unanimously, 5/0 (Commissioners Sauls and Winchester were out of Chambers).

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to continue the item with regard to the counteroffer by Tallahassee Housing Authority (THA), and direct the County Attorney's Office and staff to negotiate and work out with THA a fair cost to build the fence/wall. The motion carried unanimously, 6/0 (Commissioner Winchester was out of Chambers). The County Administrator advised that the item would be brought back on October 12, 2004.

30. Renewal of Health Insurance Coverage for Plan Year 2005

At the September 14, 2004 Board meeting, staff presented an agenda item requesting approval of the renewal rates and consideration of renewal options for the two group health insurance providers, Capital Health Plan (CHP) and Vista (formerly Health Plan Southeast). The Board continued the item after receipt of a proposal from United Health Care (United), a new provider to the Leon County service area, who is requesting Board approval to become a third provider of health insurance coverage for Leon County.

The Board engaged in considerable discussion regarding: whether to include United Health Care for the 2005 plan year, the impact on employees of changes at this time, and CHP's letter of objection to a third health insurance provider.

It was noted that representatives of CHP and Vista were present, but representatives of CHP were not present.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 1: Approve the renewal rates reflected in Alternative 1 (current HMO Plan) for the new plan year (January 2005 through December 31, 2005) for CHP and Vista as the only health insurance coverage providers and schedule a Board workshop in early 2005 to discuss all options for health insurance coverage for Leon County.

Commissioner Grippa indicated that CHP's rates have doubled in the past five years. Lillian Bennett, Human Resources Director, explained that their rates have increased approximately 14-17% per year for the last

three years. The Board indicated that in the next year, staff consider the costs of health care and the various providers and work through it methodically and systematically; if a different set of providers can offer a better price and service, then the County should consider changing. Commissioner Rackleff indicated that periodically this should be looked at to provide discipline in the pricing. Ms. Bennett advised that next year all the health providers including United Health Care would be looked at and a workshop would be conducted.

Commissioner Grippa moved a substitute motion that the Board approve only Vista and United Health Care as the County's health insurance providers. After further discussion, Commissioner Grippa withdrew his substitute motion.

The motion on the floor carried 5 – 1 (Commissioner Grippa voted in opposition and Commissioner Winchester was out of Chambers).

31. Acceptance of Status Report on Analysis of Available Land Along the Ochlocknee River for Purchase by County for Water Quality Protection

Greg Diamond, Planning Department, gave a summary of the status report on identifying available lands along the Ochlocknee River for purchase by the County and noted that there is a significant opportunity for the County to acquire interest in lands via conservation easements to reduce activities that have a negative effect on water quality.

Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Options 1 and 2: 1) Accept the Status Report on land acquisition in the Ochlocknee River corridor to protect water quality; 2) Direct staff to continue working with appropriate agencies to acquire lands in the Ochlocknee River corridor and return to the Board with feasible acquisition proposals.

Commissioner Winchester asked staff to look into acquisition of the Red and Sams Fish Camp above Lake Jackson. Mr. Diamond stated that he met with them and they indicated that it would go through the FCT project. Mr. Diamond stated that the County could have it go through TPL. Commissioner Winchester suggested that an update be provided.

The motion on the floor, approval of Options 1 and 2, carried 4 – 2 (Commissioners Grippa and Proctor voted in opposition and Commissioner Maloy was out of Chambers).

32. Consideration of Voluntary Annexation of Property Located on the Northeast Corner of Ross Road and Shelfer Road

This is a request for Board consideration of the proposed voluntary annexation petition by the owner of approximately 4.7 acres located at the northeast corner of Ross and Shelfer Roads.

Commissioner Rackleff moved and was duly seconded by Commissioner Winchester to approve Option 1: Do not object to the City's voluntary annexation of the property located at the Northeast corner of Ross and Shelfer Roads.

Commissioner Proctor reported that he heard that 71% of the residents oppose the annexation of the subject property.

David McDevitt, GEM, explained that the City will issue a rebate for City utilities.

John Kraynak responded to the Board's inquires and stated that the closed basin regulations of the City were the same as the County's.

The motion on the floor carried unanimously, 6/0 (Commissioner Thaelle was out of the Chambers).

33. Expirations, Vacancies, and Appointments to Various Committees and Boards

- 1) Chaires-Capitola Recreation Council: Commissioner Proctor continued his appointment and stated that he would appreciate that any citizen who is interested, contact him or his Aide, Delane Adams at 922-7184.
- 2) Code Enforcement Board: Commissioner Thaelle appointed Joseph Cook.
- 3) Cultural Resources Commission: Commissioner Rackleff moved, duly seconded by Commissioner Grippa and carried unanimously, 6/0 (Commissioner Thaelle out of Chambers), to appoint Mark Ravenscraft.
- 4) Educational Facilities Authority: Commissioner Thaelle appointed Bill Hilaman.
- 5) Fort Braden Community Center Board of Directors: Commissioner Thaelle continued his appointment to the October 12th meeting.
- 6) Parks and Recreation Advisory Team: Commissioners Sauls and Proctor continued their appointments. Commissioner Thaelle continued his appointment to October.

The Board then entered discussion under "Citizens to Be Heard – Three Minute Limit."

The Board then entered Public Hearing Item 35.

Public Hearings

The Chairman announced that materials were received late regarding Public Hearing agenda items 39 through 46 and suggested that they be continued.

**Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to continue Public Hearing Items 39, 40, 41, 42, 43, 44, 45, and 46 to October 12, 2004 at 6:00 p.m. Commissioner Rackleff noted that some of the items in the agenda request indicated that it was the first of two public hearing when in fact it was the first and only public hearing. He suggested that this be checked and corrections be made.*

34. Second Public Hearing to Adopt Final Millages and Budgets

Pursuant to legal advertisement, a public hearing was conducted for adoption of the final Countywide millage rates and budgets for Fiscal Year 2004/2005, including the Primary Health Care MSTU and Emergency Medical Services MSTU.

The Chairman called on speakers who submitted a card, Gail Milan and Mattie Mobley, but they declined to speak at this time.

It was announced that the public hearing was closed.

- 1) Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Adopt the attached Resolution R04-30 adopting the final FY 2004/2005 Countywide millage rate of 8.5400 mills.
- 2) Commissioner Proctor moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve Option 2: Adopt the attached Resolution R04-31 adopting the final FY 2004/2005 Countywide budget.
- 3) Commissioner Thael moved and was duly seconded by Commissioner Rackleff to approve Option 3: Adopt the attached Resolution R04-32 approving the final FY 2004/2005 Primary Health Care MSTU (municipal services taxing unit) millage rate of 0.2200 mill.

Commissioner Grippa asked Joe Sharp, Health and Human Services Director, about the eligibility of citizens on Medicare and/or Medicaid and the cost of prescriptions. Commissioner Grippa indicated his opposition to doubling the MSTU tax and suggested looking for state dollars and federal dollars. Commissioner Proctor suggested that next year in the budget the Board look at comprehensive health care facility for seniors near the post office and include a gym, kitchen, and recreation. Chairman Sauls reminded the Board that the County previously told citizens that the tax would not be increased. Commissioner Thael indicated the importance of funding this item which included health care for low income pregnant women. He indicated that he would be supportive of a one cent sale tax to fund health care.

The motion on the floor carried 4 – 3 (Commissioner Sauls, Grippa and Winchester voted in opposition).

- 4) Commissioner Proctor moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 4: Adopt the attached Resolution R04-33 approving the final FY 2004/2005 Primary Health Care MSTU budget.
- 5) Commissioner Proctor moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to approve Option 5: Adopt the attached Resolution R04-34 approving the final FY 2004/2005 Emergency Medical Services MSTU millage rate of 0.5000 mill.
- 6) Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve Option 6: Adopt the attached Resolution R04-35 approving the final FY 2004/2005 Emergency Medical Services MSTU budget.

The Board briefly discussed Ft. Braden Community Center. Commissioner Grippa suggested that next year, staff draw specific budget parameters, go through a deliberate process and throughout the year, look at budget cuts. County Administrator Alam will bring information back.

35. Joint City/County Adoption Hearing on Cycle 2004-2 Comprehensive Plan Amendments

Pursuant to legal advertisement, a joint City/County public hearing was conducted. City Commissioners present were Mayor Marks and Commissioners Lightsey, Gillum, Mustian, and Katz. County

Commissioners present were Chairman Sauls and Commissioners Thael, Maloy, Winchester, Proctor, Rackleff, and Grippa. Also present were County Attorney Thiele, County Administrator Alam, and City Attorney Linda Hurst.

Jean Gregory, Land Use Planning, Planning Department, explained that the purpose of today's public hearing is to receive public input and vote to adopt the Comprehensive Plan Cycle 2004-2 amendments and forward those to the Department of Community Affairs (DCA). Following public comments, staff is requesting action by the Commissions on the plan amendments as transmitted. There are two amendments, T-009 and T-010 that will require City action only since they are City policies. Also staff is requesting action on Text Amendment T-011 as amended in response to DCA objections – amended language is in Attachment 6 and back up material was provided in the blue three-ring notebook. Also a supplemental packet was provided.

Ms. Gregory explained that there were three amendments that had objections from DCA and the report is in attachment 6. Staff is recommending Amendment T-011 (pertaining to university transition future use land use category and that it be adopted as modified in attachment 6). Additional information was provided on map amendments M-006 (56 acres on west side of Stadium Drive) and M-008 (80 acres owned by Leon County on south side of Tower Road). Staff is recommending that these amendments be approved as transmitted and staff will provide supplemental information to DCA on these amendments.

Ms. Gregory pointed out that staff has identified several options on map amendment M-008 on Tower Road, but could not guaranty, if amended, that DCA objections would be satisfied.

Chairman Sauls noted that no speaker cards had been submitted.

Commissioner Winchester moved, duly seconded by Grippa and carried unanimously, 6/0 (Commissioner Maloy was out of Chambers), to adopt the attached Leon County Ordinances 04-21 and Ordinance 04-22.

Commissioner Katz moved, duly seconded by Commissioner Gillum and carried unanimously, to approve City Ordinance Number 04-0-76 which title was read into the record by City Attorney Hurst.

The joint meeting adjourned at 6:20 p.m. approximately.

The Board then took up Public Hearing Item 34.

36. First of Two Public Hearings on a Rezoning Application on Property Owned by Leon County, Located at the Southwest Corner of the Intersection of Buck Lake and Baum Roads, from Rural to Open Space

Pursuant to legal advertisement, a public hearing was conducted:

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 5/0 (Commissioners Proctor and Thael were out of Chambers), to approve Options 1 and 2: 1) Conduct the first public hearing on the proposed rezoning ordinance implementing Comp Plan Map Amendment 2004-1-M-002; 2) Advertise the adoption hearing to be held on October 12, 2004 at 6:00 p.m.

37. First of Two Public Hearings on a Rezoning Application on Property Owned by George Bell, Located on the South Side of Tram Road, East of Fitz Lane, from Rural to Urban Fringe

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Proctor and Thael were out of Chambers), to approve Options 1 and 2: 1) Conduct the first of two public hearings on a rezoning application on property owned by George Bell, Jr. from Rural to Urban Fringe located on the south side of Tram Road east of Fitz Lane; 2) Advertise the adoption hearing for October 12, 2004 at 6:00 p.m.

38. First of Two Public Hearings on a Rezoning Application on Property Owned by Todd Sperry, Located on the South Side of Tower Road Adjacent to the Railroad Track, from Industrial to R-3 Single- and Two-Family Residential

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 5/0 (Commissioners Proctor and Thael were out of Chambers), to approve Options 1 and 2: 1) Conduct the first public hearing on the proposed rezoning ordinance from Industrial to R-3 Single- and Two-Family Residential District; 2) Advertise the adoption hearing for October 12, 2004 at 6:00 p.m.

The Board then entered discussion regarding Item 48.

39. First of Two Public Hearings on a Proposed Ordinance Amending the Land Development Regulations to Delete "Commercial Sports" as a

Permitted Use in the Urban Fringe and Lake Talquin Recreation Urban Fringe Zoning District

*This item was continued to October 12, 2004 at 6:00 p.m.

40. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map, Rezoning Approximately 8.9 Acres, Located on the Western End of Dome Level Road, from R-1 Single Family Detached Residential to R-3 Single Family Detached, Attached and Two-Family Residential

*This item was continued to October 12, 2004 at 6:00 p.m.

41. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map, Rezoning Approximately 36.8 Acres of Land Adjoining the CSX Railway 400 Feet East of Barineau Road, from R-1 Single Family Detached Residential to R-3 Single Family Detached, Attached and Two Family Residential

*This item was continued to October 12, 2004 at 6:00 p.m.

42. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Rezoning Approximately 107-acre Parcel, Located on the West Side of North Monroe Street, on the East Side of Old Bainbridge Road and North of Perkins Road, from Lake Protection to the PUD Zoning District

*This item was continued to October 12, 2004 at 6:00 p.m.

43. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Rezoning Approximately 976 Acres, Located at the Northwest Corner of Centerville Road and Pisgah Church Road from Urban Fringe and Rural to PUD Zoning District

This was continued to October 12, 2004 at 6:00 p.m.

44. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Rezoning Approximately 1.4 Acres, Located at 3618 North Monroe Street, Opposite Spaulding Road and Abutting the Eastern End of Casa Linda Court, from Medium Density Residential to Office Residential

This was continued to October 12, 2004 at 6:00 p.m.

45. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Rezoning 4.28 Acres, Located at the Northwest

Corner of Woodville Highway and Lawhon Road from R-1 Single Family Detached Residential to Woodville Commercial

This was continued to October 12, 2004 at 6:00 p.m.

46. First and Only Public Hearing on a Proposed Ordinance Amending the Official Zoning Map Rezoning 6.07 Acres, Located off of Mt. Sinai Road Approximately 2,200 feet North of Apalachee Parkway, from R-1 Single Family Detached Residential to R-4 Single-, Two-, and Multi-Family Residential

This was continued to October 12, 2004 at 6:00 p.m.

47. Second Public Hearing for a Land Development Regulation Requiring Utilization of the Flooded Property Acquisition Program Waiver, as a Condition to Approval of Applications for Development Orders for the Siting and Construction of Single-Family Residential Structures on Properties Subject to Flooding

This item was removed from the Agenda.

48. Continuation of a Second and Final Public Hearing on Proposed Ordinances Enacting a Temporary Moratorium on Development in Killearn Lakes Unit 1 and 2 until Central Sanitary Sewer is Available (continued from September 14, 2004)

Pursuant to legal advertisement, a public hearing was conducted on a proposed ordinance placing a temporary moratorium, with the effective date of July 27, 2004, on all development orders in Killearn Lakes Units 1 and II until a central sanitary system is constructed and available to serve residents within those subdivisions.

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to approve Option 1: Conduct the second and final public hearing on the proposed moratorium ordinance, and adopt the Leon County Ordinance.

Commissioner Grippa explained that at the Blueprint meeting yesterday, the massive failure of septic tanks in Killearn Lakes was discussed. In order to protect citizens, the \$5 million will be used for conversion from septic tank to sewer system in the area. The rest of the money would be paid by residents or state and/or federal funding.

Commissioner Grippa stated that the County and City recognize the failure of septic tanks and supported funding of \$5 million for septic system to sewer conversion in Killearn Lakes 1 and II.

Gary Johnson, GEM, explained that approximately 10 – 12 building permits are still pending. County Attorney Thiele explained that it would be best to capture those that are in the process and if two extra months (26 months) takes them to the conclusion of the entire project, it would be best to do so.

County Attorney Thiele advised that the moratorium becomes effective retroactive from July 27, 2004 and goes to July 27, 2006.

Chairman Sauls mentioned that sewer hook ups would be discussed at the next Mayor/Chair meeting.

The motion on the floor carried unanimously, 5/0 (Commissioners Thael and Proctor were out of Chambers. Later, Commissioner Thael requested that his vote on this item reflect the affirmative). See attached Leon County Ordinance Number 04-23:

49. Continuation of Second and Final Public Hearing to Consider an Ordinance Revising Sidewalk Requirements for New Development and Establishing a Fee-In-Lieu-of Sidewalk Construction (continued from September 14, 2004)

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Option 1: Conduct the second public hearing and adopt the ordinance revising sidewalk requirements for new development and establishing a fee in lieu of sidewalk construction.

The motion carried unanimously, 5/0 (Commissioners Grippa and Proctor were out of Chambers). See attached Leon County Ordinance Number 04-24:

50. First and Only Public Hearing to Adopt a Proposed Ordinance Amending Chapter 14 of the Leon County Code of Laws, Public Nuisances, Prohibiting the Drainage of Fluids on County Streets and/or the Property of Others

Pursuant to legal advertisement, a public hearing was conducted.

County Attorney Thiele explained that Commissioner Grippa brought up an issue a few weeks ago regarding an issue some weeks ago with regard to a problem with a pool owner draining their pool onto the adjacent property. He indicated that this matter had been addressed in the City limits by provision in the City Code. The Board directed that this be

pursued. Mr. Thiele explained that the proposed ordinance duplicates the City's ordinance.

Dennis Dawson, 6412 County Turf Trail, appeared and presented pictures showing where his neighbor drains his swimming pool which runs onto his property. He advised that he called the Sheriff's Office but they could not address the issue because there was not law/ordinance prohibiting the drainage of the pool.

There was considerable Board discussion regarding the definition of "fluids" and whether the drainage is intentional or not. Commissioner Thaelle referred to the phrase "fluid of any kind" in the ordinance and suggested that the phrase "other than natural rainwater" be inserted. Mr. Dawson remarked that his neighbor used that as a defense, suggesting that when Mother Nature drops rain in the pool, the neighbor drains the pool which goes onto his property. County Attorney Thiele explained that if there appears to be a problem when the ordinance is adopted that he would bring it back with an amendment. He stated that this ordinance is not to be used to address off site discharge of stormwater.

Commissioner Thaelle moved, duly seconded by Commissioner Rackleff to approve Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance as amended, creating a new subsection 14.2.1, Leon County Code of Laws, prohibiting the intentional drainage of filthy fluids onto the street or property or others.

The motion on the floor carried 5 – 1 (Commissioner Sauls voted in opposition and Commissioner Winchester was out of Chambers). See attached Leon County Ordinance Number 04-25:

51. First and Only Public Hearing on St. Francis of Assisi Episcopal Church Type C Review

Pursuant to legal advertisement, a public hearing was conducted.

Commissioner Grippa moved, duly seconded by Commissioner Thaelle and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to approve Option 1: Conduct the first and only public hearing and approve the proposed Type AC@ Site and Development Plan for the Fellowship Hall addition to Saint Francis of Assisi Episcopal Church based on findings of fact and conclusions of law set forth in the recommendation of the DRC.

The Board then resumed General Business, Item 28.

Citizens to Be Heard on Non-Agendaed Items (6-minute limit)

Buddy Nelson, 1913 Longview Drive, appeared reminded the Board that he approached them about six months ago regarding the flooding problems that he has been dealing with. He showed slides of the flooding problems on his property which included flooding of his front yard, about knee-deep or higher. Mr. Nelson also stated that some of his neighbors are in the same situation.

Commissioner Winchester explained that Mr. Nelson missed the deadline to submit an application for the Flooded Property Acquisition list and pointed out that up the road from Mr. Nelson, the County is doing the Harbinwood Flooding Project. He remarked that Mr. Nelson has an extreme hardship; the flooding is coming in the septic tank and back into his toilet and flooding his home.

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to agenda this item. Commissioner Winchester requested that staff look into including this property in the Harbinwood Project. He suggested that staff also include the neighbors.

Commissioner Proctor suggested that the County should be getting money out of the Blueprint 2000 dollars for situations like this as well as other emergency situations.

Discussion Items by Commissioners

Commissioner Grippa

- a. Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to agenda the issue of potential bike lanes being designated on Miccosukee Road from Capital Circle N. E. to Miccosukee (Greenway). He stated that he received over 100 signatures on a petition. Commissioner Thael briefly discussed the problems of riding bikes on canopy roads.
- b. Requested a resolution for Public Works staff and volunteers who worked tirelessly during the hurricanes.
- c. Requested a resolution for Major Watson, retiring from the Sheriff's Department
- d. Commissioner Grippa moved, duly seconded by Commissioner Winchester and carried unanimously, 7/0, to agenda the issue of the hurricane property tax program (homestead exemption tax) that various counties are adopting which pays the property tax if the house is destroyed.

- e. Requested that staff schedule a workshop regarding the hurricane catastrophic clean-up plan ranging from cleanup, downed power lines, 9-1-1 calls, etc.

Commissioner Proctor

- a. Announced that there will be a public meeting on the Fairgrounds on Monday, September 27 at 6:30 p.m.
- b. Stated his concerns regarding Comprehensive Plan Amendments 205-1, T54 proposing to delete the requirement of mapping existing environmental features as it relates to the Southern Strategy. Commissioner Proctor suggested that citizens look at what is happening, particularly in Woodville since it involves the fragile ecology of the area. He requested that staff look at this issue and respond to why there were no maps for Comp Plan items 51, 53, and 54 and the impacts and reasons for the proposals. Wayne Tedder, Planning Department Director, responded that these were staff-initiated amendments and is part of the Comp Plan reform process. Staff will provide Commissioner Proctor with a full update this week.

Commissioner Winchester

Read a provision from the Lake Protection Future Land Use Category in the Comprehensive Plan. The Chairman requested that copies be circulated to Commissioners. Commissioner Winchester requested that staff provide a clear definition of the Lake Protection provision as it related to the Summerfield PUD.

Commissioner ThaeII

Requested a resolution for James McRoy, Engineer, on his retirement from the Code Enforcement Board.

Chairman Sauls

ADD-ON

52. Update on City Utility Issue

- a. Chairman Sauls circulated the attached material on a performance audit of City utilities involving the County and reported the following:
 - During the Mayor/Chair meeting, Chairman Sauls asked about the status of the City's response to a series of questions being raised by the Board on the City utility issue. The Mayor stated that the

City would not be responding to questions posed (specifically questions 15, 16, and 17).

- There was also discussion regarding financial audits of the City's utilities, as well as the 10% electric surcharge to residents in the unincorporated areas that is placed in the City's general fund.
- County Administrator Alam explained some issues regarding City electric utilities. The City generates approximately \$8 million per year from the unincorporated area residents for general government services. The unincorporated area residents are not benefiting from those services because the County turns around and pays the City \$2-4 million for fire services and a certain amount for Parks and Recreation and other services. The issue is that the taxes are generated from the taxes of the fees collected from the unincorporated area residents. Mr. Alam stated that the question is: Are these residents being taxed twice (dual taxation) because the residents are paying it through electric bills and then they are also paying it to other taxing sources for the same services. The issue is more important now since the County will be negotiating the Water and Sewer and Parks and Recreation agreements (and in a couple of years, the Fire Services Agreement). Commissioner Proctor raised the issue of high electric bills from the City and wanted to know how this can be rectified, possibly partnering with other utility companies. The County Administrator will review issues when discussing the Parks and Recreation and Water and Sewer Interlocal Agreements with the City Manager (particularly the issue of dual taxation and questions 15, 16, and 17).

See attached memorandum:

- b. Circulated material and requested that staff look into a DOT request to construct 200 ft. of additional storage for the existing northbound right turn fee flow lane on Geddie Road at SR 10, and construct a southbound right turn lane with 300 ft. or storage on Geddie Road at SR 20. Staff will bring back an update.

There being no further business to come before the Board, Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to adjourn the meeting at 9:40 p.m.

APPROVED: _____
Cliff Thael
Chairman

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There being no further business to come before the Board, Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to adjourn the meeting at 9:40 p.m.

APPROVED: _____
Cliff Thael
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court